



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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NEW DELHI, FRIDAY, MAY 8, 2015/VAISAKHA 18, 1937 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bills were introduced in Lok Sabha on 8th May, 2015:—

### BILL NO. 135 OF 2015

*A Bill to provide for special financial assistance to the State of Kerala for the purpose of development of education, especially for girl child, power, transportation and agriculture.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Financial Assistance to the State of Kerala Act, 2015.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title  
and  
commencement.

Special  
financial  
assistance to  
the State of  
Kerala.

**2.** There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Kerala to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Union Government for the purpose of development of education, especially for girl child, power, transportation and agriculture in the State.

Act not in  
derogation of  
any other law.

**3.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

## STATEMENT OF OBJECTS AND REASONS

The State of Kerala is reeling under severe financial crisis. Substantial money is required for development of education, infrastructure and agriculture in the State. The allocation of funds recommended by the 14th Finance Commission is not sufficient to meet the demands of the State. If development takes place in the State, the Central Government can earn considerable revenue.

Therefore, a special financial assistance to the State of Kerala is urgently required for its all round development including development of education, especially for girl child, power sector, transportation and agriculture in the State.

Hence this Bill.

NEW DELHI;  
*April 8, 2015.*

M.K. RAGHAVAN

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Kerala to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Union Government.

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Kerala. As the sums of money which will be given to the State of Kerala as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government with the approval of Union Government are identified, it is not possible to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

## BILL NO. 141 OF 2015

*A Bill to provide for the development and promotion of waterways as an alternate means of transportation in the country and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commencement.

1. (1) This Act may be called the Waterways Development Council Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "council" means the Waterways Development Council constituted under section 3;

(b) "prescribed" means prescribed by rules made under this Act; and

(c) "waterway" means a river, canal or other body of water serving as a route or way of travel or transport.

**3.** (1) The Central Government shall, by notification in the Official Gazette, constitute a Council to be known as the Waterways Development Council for the development and promotion of waterways in the country.

Constitution  
of a  
Waterways  
Development  
Council.

(2) The Council shall consist of a Chairperson and four members to be appointed by the Central Government in such manner as may be prescribed.

(3) The headquarter of the Council shall be at Calicut in the State of Kerala.

(4) The salary and allowances payable to, and other terms and conditions of service of Chairperson and members shall be such as may be prescribed.

**4.** The Council shall carry out studies and make recommendations to the Central Government on the following matters—

Functions of  
the Council.

(i) waterways development;

(ii) inter-linking of rivers;

(iii) promotion of waterways as an alternate mode of transportation;

(iv) promotion of sports activities in waterways; and

(v) creation of necessary infrastructure near seas and major rivers.

**5.** It shall be the duty of the Central Government to implement, in consultation with the concerned State Government, the recommendations of the Council:

Recommendation of the Council to be implemented by the Central Government.

Provided that where it is felt that any recommendation cannot be implemented due to any reason, the Central Government may, for the reasons to be recorded in writing, inform the Council accordingly.

**6.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act not in  
derogation of  
any other law.

**7.** (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to  
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

India has a long coastal line and is still unexplored. Waterways has never been properly utilised. If waterways are utilised properly many of our problems can be solved easily. Waterways can be developed and promoted as an alternate mode of transportation. It is cheap, fuel efficient, easy and pollution free means of traffic and goods transportation, Moreover, considerable revenue can be generated from proper utilisation of waterways.

The Bill, therefore, seeks to constitute a council for the development and promotion of waterways as an alternate means of transportation in the country.

NEW DELHI;  
*April 8, 2015.*

M.K. RAGHAVAN

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FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to constitute a Waterways Development Council for the development and promotion of waterways. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that annual recurring expenditure of about rupees ten thousand crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty thousand crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 143 OF 2015

*A Bill to provide for the establishment of Tourism Promotion Board for the eastern region of the country and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

**1.** (1) This act may be called the Eastern Region Tourism Promotion Board Act, 2015.

Short title  
and  
commence-  
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Board" means the Eastern Region Tourism Promotion Board established under section 3;

(c) "Eastern States" include Bihar, Jharkhand, Odisha and West Bengal; and

(d) "prescribed" means prescribed by rules made under this Act.

Constitution  
of the  
National  
Flood and  
Drought  
Control  
Board.

3. (1) The Central Government shall, within one year from the date of commencement of this Act, by notification in the Official Gazette, constitute a Board to be known as the Eastern Region Tourism Promotion Board for promotion of tourism in the Eastern States.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The headquarters of the Board shall be at New Delhi and a regional office at Madhepura in the State of Bihar and the Board may, with the previous approval of the Central Government, establish offices in the Eastern States.

(4) The Board shall consist of,—

(a) a Chairperson having vast knowledge and working experience in tourism and hospitality sector to be appointed by the Central Government in such manner as may be prescribed;

(b) one member each from the Lok Sabha and Rajya Sabha representing each of the Eastern States to be nominated by the respective Presiding Officers of each House of Parliament;

(c) seven members representing the Union Ministries of—

(i) Tourism;

(ii) Culture;

(iii) Finance;

(iv) Information and Technology;

(v) Planning;

(vi) Road Transport and Highways;

(vii) Railways; and

(d) three members representing the tour operators, to be appointed by the Central Government.

(5) The Board shall elect from amongst its members, a Vice-Chairperson who shall exercise such powers and perform such functions, as may be prescribed.

(6) The term of the office of the Chairperson and members of the Board and the procedure to be followed by the Board in discharge of its functions shall be such as may be prescribed.

(7) The Board may associate with itself in such manner and for such purposes, as may be prescribed, any person whose assistance or advice it may require and the person so associated shall have the right to take part in the discussions of the Board relevant to the purposes for which he has been associated, but shall not have the right to vote.

(8) The salary and allowances and conditions of service of the Chairperson and members of the Board shall be such as the Central Government may, from time to time, determine.

Secretariat of  
the Board.

4. (1) The Board shall have a Secretariat consisting of a Secretary, a Planning Advisor and such other officers and employees as the Central Government may by order determine for efficient discharge of the functions of the Board.

(2) The Secretariat of the Board shall function under the direction, supervision and control of the Chairperson of the Board.

(3) The Administrative expenses of the Secretariat including salaries and allowances payable to the staff shall be borne by the Central Government.

5. (1) The Board shall function as a planning and advisory body for the accelerated and all round development and promotion of tourism in the Eastern States and formulate various tourism related schemes for each of the Eastern State and address the issues of common tourism interest of Eastern States in time-bound manner.

Functions of  
the Board.

(2) Without prejudice to the generality of the provisions of the sub-section (1) the plans and schemes for development and promotion of tourism may provide for—

(a) accelerated promotion of tourism in each Eastern State by way of compilation of tourism related infrastructural requirement of each State by deputing team of experts for making ground assessment of the tourism related infrastructural requirements and making appropriate recommendations;

(b) inter-linking of all the places of tourism importance of all the Eastern States by air, road and rail and extending communications, telecommunication and Information Technology at such places;

(c) setting up of tourism facilitation centres at all entry points at the borders of each State and at airports and railway stations with a view to provide facilities such as reservation in air services, trains, buses, hotels, motels and guest houses for tourists;

(d) setting up of hotels, restaurants and motels at all tourism centres with a view to catering to the needs of different categories of domestic and international tourists and recognition of private sector hotels, motels and restaurants for the benefit of tourists in such manner as may be prescribed.

(e) recognizing and preparing a list of paying guest accommodations at places with no facility of hotel or motel accommodation for staying of tourists;

(f) conducting organized tours of different centres of tourism in all the Eastern States;

(g) organising cultural functions and events in consultation with appropriate Government and other organisations concerned at various tourist places in each of the Eastern States at regular intervals so as to create awareness among domestic and foreign tourists and general public about the Indian culture, customs and traditions and way of life of the people;

(h) organising cultural functions in other countries in coordination with Indian Embassies and High Commissions with a view to depicting Indian Culture and Traditions and attracting the foreign tourists to Eastern States;

(i) training programmes for tourist guides and tour operators about historical importance of tourist places, traditions and culture of each of the Eastern States and services to be extended to domestic and foreign tourists;

(j) recognizing transport and taxi operators and fixing fares to be charged from the tourists;

(k) recognising shops, showrooms and stalls selling handicrafts, local ornaments and other such articles in order to prevent fleecing of tourists by unscrupulous traders and touts;

(l) setting up of health resorts based on Indian system of medicines at various tourist places in consultation with the appropriate Government;

(m) making arrangement for security of tourists particularly foreign tourists at various tourist centres in consultation with the appropriate Government;

(n) co-ordinating with the Archaeological Survey of India and tourism departments of the State Governments of the Eastern States with a view to protecting monuments and heritage sites; and

(o) making adequate arrangements of public conveniences and amenities such as toilets, urinals, drinking water and sitting places at tourist places.

Publicity of the programmes, policies and schemes for development of tourism.

**6.** The Board shall give wide publicity to its planning, policies, schemes and programmes for development of tourism in the Eastern States through all means of communications including hoardings, banners, posters, booklets and print and electronic media in the country as well as abroad.

Annual Report.

**7. (1)** The Board shall prepare, in such form and at such time in each financial year, as may be prescribed, its annual report, giving a true and full accounts of its activities during the previous financial year and submit a copy thereof to the Central Government.

(2) The Central Government shall cause the annual report to be laid, as soon as may be after receipt of the report under sub-section (1), before each House of Parliament.

Central Government to provide requisite funds.

**8.** The Central Government shall after due appropriation made by the Parliament by law in this behalf, provide from time to time requisite and adequate funds to the Board as well as to the States covered under this Act for implementation of tourism development and promotional plans and schemes formulated by the Board under this Act.

Power to make rules.

**9. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Our country has a vast tourism potential as we have a large number of historical places, monuments, forts, historical and archaeological sites and remains, national monuments, water bodies, beautiful beaches and coastal areas, desert places, gardens, lagoons, etc.

The four Eastern States are the unique blend of scenic beauty and picturesque locations having different cultures, traditions and many languages. Most of the tourist centres do not have adequate facilities for the tourists and the State Governments are not in a position to spend money for providing the requisite facilities. Air connectivity and rail services are inadequate. The road network including Highways and National Highways either does not exist or wherever it exists, it is in a dilapidated condition. The hospitality sector is in doldrums with no worthy hotel accommodation and so is the travel sector with no worthy fleets of good buses, taxi and other modes. There are no tourist facilitation centres. The tourists get cheated by middlemen, touts and others. Such acts and lack of facilities discourage the tourists from visiting these beautiful places.

Of late, the Central Government has started to promote tourism in the Eastern States particularly in the States of Bihar, Jharkhand, West Bengal and Odisha by giving incentives to its employees while availing leave travelling concessions to visit tourist places in Eastern States.

Hence, it is proposed to set up a Tourism Promotion Board exclusively for the Eastern States to concentrate upon promoting tourism in that region of the country.

Hence this Bill.

NEW DELHI;  
*April 8, 2015.*

RAJESH RANJAN

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Eastern Tourism Promotion Board. Clause 4 provides that the Central Government shall bear the administrative expenses of the secretariat of the Board. Clause 5 provides for certain functions of the Board for promotion of tourism in the Eastern States and providing of certain facilities for tourists. Clause 6 provides that programmes, policies and schemes for development of tourism in the Eastern States shall be given wide publicity. Clause 8 provides that the Central Government shall provide requisite funds to the Board and the State Government concerned for implementation of schemes for promotion of tourism. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore may involve as recurring expenditure per annum.

A sum of rupees two thousand crore may also involve as non-recurring expenditure.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is, therefore, of a normal character.

## BILL NO. 131 OF 2015

*A Bill to provide for the constitution of a National Flood and Drought Control Board to control flood and drought and for matters connected therewith and incidental thereto.*

WHEREAS entry 56 of List I-Union List of the Seventh Schedule to the Constitution provides for regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest;

AND WHEREAS a lot of havoc is caused by floods and drought every year in almost all parts of the country;

AND WHEREAS it is expedient in the public interest to take effective measures to control flood and drought.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Flood and Drought Control Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title  
and  
commence-  
ment.

Definitions.	<p><b>2.</b> In this Act, unless the context otherwise requires,—</p> <p>(a) "Board" means the National Flood and Drought Control Board constituted under section 3; and</p> <p>(b) "prescribed" means prescribed by rules made under this Act.</p>
Constitution of the National Flood and Drought Control Board.	<p><b>3.</b> (1) The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the National Flood and Drought Control Board to perform functions assigned to it under this Act.</p> <p>(2) The headquarter of the Board shall be at New Delhi and regional office at Madhepura in the State of Bihar.</p> <p>(3) The Board shall consist of,—</p> <p>(a) a Chairperson; and</p> <p>(b) a member representing each of the State Government and Union territory, to be appointed, from amongst persons of eminence having special knowledge and experience in the field of flood and drought control, by the Central Government.</p> <p>(4) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and other members of the Board shall be such as may be prescribed.</p> <p>(5) The Central Government shall make available such officers and staff to the Board as it may require for its efficient functioning.</p>
Functions of the Board.	<p><b>4.</b> The Board shall,—</p> <p>(a) identify areas which are prone to floods and droughts;</p> <p>(b) suggest measures for flood and drought control;</p> <p>(c) make a time bound plan for inter-linking of rivers which are prone to floods with the ones which are not so;</p> <p>(d) suggest measures for the development of land in areas which are prone to floods and drought;</p> <p>(e) install flood forecasting system in areas which are prone to floods;</p> <p>(f) suggest steps that shall be taken to evacuate the inhabitants from flood affected areas to safer places;</p> <p>(g) suggest measures to the State Governments for rehabilitation of inhabitants of flood and drought affected areas; and</p> <p>(h) suggest measures to the State Governments for rain water harvesting and construction of dams.</p>
Expenditure incurred on implementation of the Act to be borne by the Central and State Governments.	<p><b>5.</b> The expenditure incurred on implementation of flood and drought control measures as suggested by the Board shall be borne by the Central Governments and the State Governments in such ratio, as may be prescribed.</p>
Recommendations of the Board to be implemented by the Central Government.	<p><b>6.</b> It shall be the duty of the Central Government to implement the recommendations of the Board:</p> <p>Provided that where it is felt that any recommendation cannot be implemented due to any reason, the Central Government may, for reasons to be recorded in writing, inform the Board accordingly.</p>

**7.** (1) The Board shall prepare, in such form and at such time in each financial year, as may be prescribed, its annual report, giving a true and full accounts of its activities during the previous financial year and submit a copy thereof to the Central Government.

Annual  
Report.

(2) The Central Government shall cause the annual report to be laid, as soon as may be after receipt of the report under sub-section (1), before each House of Parliament.

**8.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to  
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

India is the land of many great rivers. Floods occur in almost all river basins of the country. The water resources of the country are not being fully utilized. Every year there are floods in some parts of the country which cause immense loss of life and property. It has been observed that at the same time, there is flood in one part of the country and the other part is affected by drought. The national resources are damaged by floods and drought. The problem, therefore, needs to be addressed urgently to mitigate the affects of floods and droughts.

Therefore, it is expedient in public interest to evolve an integrated and scientific approach to deal with the problem of frequent occurrence of floods and drought and to draw out a national plan fixing priorities for implementation of strategies in the future.

The Bill seeks to provide for the constitution of a National Flood Control Board to suggest measures to prevent flood and deal with the problem of drought in the country.

Hence this Bill.

NEW DELHI;  
April 8, 2014.

RAJESH RANJAN

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FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a National Flood and Drought Control Board. Clause 4 provides *inter alia* for a time bound action plan for inter-linking of rivers and installing of flood forecasting system. Clause 5 provides that the expenditure incurred on implementation of the provisions of this Act shall be borne by the Central Government and State Governments. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be incurred.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is, therefore, of a normal character.

## BILL NO. 145 OF 2015

*A Bill to provide for the constitution of a National Food Security Authority for providing food security to citizens and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

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|--|---|
| <p><b>1.</b> (1) This Act may be called the National Food Security Authority Act, 2015.</p> <p>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p> <p><b>2.</b> In this Act, unless the context otherwise requires,—</p> <p style="padding-left: 40px;">(a) “National Authority” means the National Food Security Authority constituted under section 3; and</p> <p style="padding-left: 40px;">(b) “prescribed” means prescribed by rules made under this Act.</p> | <p>Short title,<br/>and<br/>commencement.</p> <p>Definitions.</p> |
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Constitution  
of National  
Food Security  
Authority.

**3. (1)** The Central Government shall, by notification in the Official Gazette, constitute a National Authority to be known as the National Food Security Authority to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The National Authority shall consist of,—

(a) a Chairperson, who shall be a person having knowledge and professional expertise in the field of agriculture and food security;

(b) not more than three members having experience in the field of agriculture, food, security management, economics, law or consumer affairs,

to be appointed by the Central Government:

Provided that if the powers of the National Authority are vested in an individual, such individual shall be entitled to the same powers and functions and shall be assisted or provided with the same secretarial support and technical expertise as are available to the National Authority consisting of more than one person under this Act.

(3) The headquarter of the National Authority shall be at New Delhi.

(4) The salary and allowances payable to, and other terms and conditions of the service of the Chairperson and members of the National Authority, shall be such, as may be prescribed.

(5) The National Authority may appoint such number of officers and staff as it considers necessary for the efficient discharge of its functions under this Act.

(6) The Salary, allowances and terms and conditions of service of officers and staff of the National Authority shall be such, as may be prescribed.

Functions of  
the National  
Authority.

**4.** The National Authority shall—

(a) collect and collate data regarding food consumption, food products and cropping pattern in different countries as well as in the different States of the country and prepare global inventory for food consumption, contaminants in food products and emerging risks;

(b) advise the Central Government with regard to timing and modalities for trade in food products and inputs thereof;

(c) suggest cropping pattern designed to meet consumer preferences for domestic consumption as well as for exports to other countries;

(d) study and consider the impact of climate change on food production and recommend measures to reduce the impact of climate change on food production;

(e) advise the Central Government on linkages between food security and energy security; and

(f) perform such other functions as the Central Government may refer to it from time to time.

Annual  
Report.

**5. (1)** The National Authority shall prepare, in such form and at such time, in each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and submit a copy thereof to the Central Government.

(2) The Central Government shall cause the annual report to be laid, as soon as may be, after receipt of report under sub-section (1), before each House of Parliament.

Power to  
make rules.

**6. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which

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may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

As a result of global warming, there is a drastic change in the climatic conditions. Weather cycles are also changing. Agriculture productivity is on the verge of decline. Cost of agricultural production is rising because of rising cost of inputs. Besides, as a result of various factors, consumer tastes and preferences are also undergoing a drastic change. Hence, there is a need for constitution of a National Food Security Authority to study and consider the impact and changes in global climate on food production and make appropriate recommendations to the Central Government to deal with the emerging situation particularly in the food security and energy security sectors.

Hence this Bill.

NEW DELHI;  
*April 8, 2014.*

RAJESH RANJAN

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FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for constitution of the National Food Security Authority and it further provides for appointment of officers and staff of the Authority. Clause 4 provides that the National Authority shall collect and collate data regarding food consumption pattern etc. and also study and impact of climate change on food production.

The Bill, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two hundred crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees fifty crore will also be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is, therefore, of a normal character.

## BILL NO. 137 OF 2015

*A Bill to amend the Clinical Establishments (Registration and Regulation) Act, 2010.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Clinical Establishments (Registration and Regulation) Amendment Act, 2015. Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

23 of 2010. 2. In the Clinical Establishments (Registration and Regulation) Act, 2010 (hereinafter referred to as the principal Act), for section 7, the following section shall be substituted, namely:— Substitution of new section for section 7.

National Council to follow consultative process with the State or Union territory Council and concerned State Governments.

“7. The National Council shall follow a consultative process with the State Council or the Union territory Council, as the case may be, and the concerned State Government for determining the standards and for classification of clinical establishments in accordance with such procedure as may be prescribed.”.

Amendment of Section 12.

3. In section 12 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The clinical establishment providing round the clock emergency services shall undertake to provide within the staff and facilities available, such medical examination and treatment as may be required to stabilise the emergency medical condition of any individual who comes or is brought to such clinical establishment:

Provided that in no case an individual who comes or is brought to such clinical establishment shall be denied emergency medical treatment:

Provided further that if an individual, who comes or is brought to such clinical establishment, is unable to meet the cost of emergency medical treatment, the State Government concerned shall reimburse such cost to the clinical establishment at such rate and in such manner, as may be prescribed.”.

Amendment of section 13.

4. In section 13 of the principal Act, after sub-section (2), the following section shall be inserted, namely:—

“(3) Notwithstanding anything in this Act, the Central Government shall, while prescribing minimum different standards for classification of different categories of clinical establishments, relax such conditions of adherence to the standards for small and medium health care establishments which include clinics and small nursing homes (less than twenty beds), as it may deem appropriate, having regard to the local conditions, as determined by the State Council or the Union territory Council, as the case may be, or the State Government concerned.

(4) Minimum standards prescribed for small and medium health care establishments shall be same for Government as well as private sector establishments and there shall be no discrimination between allopathic (modern medicine), alternate systems (AYUSH), Yoga and Sowa-Rigpa establishments of similar size and facilities in terms of minimum standards shall be required to be fulfilled for registration under this Act.”.

## STATEMENT OF OBJECTS AND REASONS

The Clinical Establishments (Registration and Regulation) Act, 2010 was enacted to ensure that a quality standard is maintained by clinical establishments. But the Act has proved to be detrimental to the growth of nation's healthcare sector, especially the small and medium clinical establishments.

Health being a State subject and the registration of clinical establishments being done under the State Government, any centralization of healthcare sector will not provide enough space to the State Governments and the local authorities to build this sector in a contextual manner. Therefore, the State Governments must be given at least equal authority to make changes in the standards and requirements for registration of clinical establishments.

In the existing legal framework, only large private sector hospitals with substantial finances are able to register themselves and provide healthcare services. Due to paucity of funds, the smaller and medium healthcare establishments, providing healthcare services to seventy five to eighty per cent. of the population, are finding it difficult to abide by the requirements needed for registration under the Act and are being pushed out of the system.

Several State Governments including the Governments of West Bengal and Tamil Nadu States have refused to implement the Act stating that it penalizes private clinics and the doctors. Similarly, various medical groups like the Medicos' Legal Action Group Trust (MLAG) and Indian Medical Association (IMA) have stated that the Act is safeguarding the interests of large private sector hospitals only.

Though the Indian Medical Association and Medicos' Legal Action Group Trust have stated that the Act ensures the quality and standard in healthcare/medical services in the country, but at the same time, also leading to an Inspector Raj and harassment of small and medium medical establishments in the country. The registration of individual practicing doctors is being cancelled nationwide due to their inability to meet the requirements prescribed under the Act.

Moreover, the small and medium clinical establishments which provide 24 hour medical emergency services cannot be expected to stabilize all emergencies without a mechanism for reimbursement of the cost incurred in such stabilization. The need of the hour is that in prescribing the standards for clinical establishments, concession in complying with the standards be provided to smaller and medium clinical establishments in areas where people do not have physical and financial access to healthcare facilities.

The ratio of number of doctors to per one thousand population in India is 0.47, which is much lower than the global average of 1.5. If the Act is not amended suitably, this ratio will further decline and may lead to a poor healthcare service in the country.

The Bill, therefore, seeks to amend the Clinical Establishments (Registration and Regulation) Act, 2010 with a view to—

- (a) enable the State Councils, Union territory Councils and State Governments to have their say in the formulation of standards and classification of clinical establishments with regard to local conditions;
- (b) compensate the clinical establishments for providing emergency medical services to individuals who cannot afford the cost of the treatment in clinical establishments during emergency; and
- (c) provide concessions to the small and medium clinical establishments in adherence to prescribed standards for classification of clinical establishments.

## ANNEXURE

EXTRACT FROM THE CLINICAL ESTABLISHMENTS (REGISTRATION AND REGULATION) ACT, 2010  
(23 OF 2010)

	*	*	*	*
National Council to follow consultative process.	<p><b>7.</b> The National Council shall follow the consultative process for determining the standards and for classification of clinical establishments in accordance with such procedure as may be prescribed.</p>			
	*	*	*	*
Condition for Registration.	<p><b>12. (1)</b> *</p> <p>(2) The clinical establishments shall undertake to provide within the staff and facilities available, such medical examination and treatment as may be required to stabilize the emergency medical conditions of any individual who comes or is brought to such clinical establishments.</p>			
	*	*	*	*
Classification of clinical establishment.	<p><b>13. (1)</b> Clinical establishment of different systems shall be classified into such categories, as may be prescribed by the Central Government, from time to time.</p> <p>(2) Different standards may be prescribed for classification of different categories referred to in sub-section (1):</p> <p>Provided that in prescribing the standards for clinical establishments, the Central Government shall have regard to the local candidates.</p>			
	*	*	*	*

## BILL NO. 149 OF 2015

*A Bill to provide for compulsory sports education from primary to senior secondary level and provision of requisite infrastructure in schools and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Sports Education and Infrastructure Development in Schools Bill, 2015.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

## Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "infrastructure" means requisite resources such as play ground, articles of sports, sports instructor and such other physical framework of facilities as are required for sports in the school;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "school" means any Government school or a Government aided school or a private school, by whatever name called.

Formulation  
of a national  
policy for  
providing  
sports  
education and  
infrastructure  
development  
in schools.

**3. (1)** As soon as may be, the Central Government shall formulate a national policy for providing sports education and ensuring requisite infrastructure development in all schools of the country.

(2) The national policy referred to in sub-section (1) shall include the following provisions:—

(i) encouraging sports and sports education and creating awareness of importance of sports among students;

(ii) providing free and compulsory sports education in the schools to all the students;

(iii) ensuring the availability of sports instructor in all the schools;

(iv) providing adequate financial assistance for infrastructure development for sports education in all the schools;

(v) seeking assistance of Mahatma Gandhi National Rural Employment Guarantee Scheme for infrastructure development in the schools in rural areas;

(vi) preparing standard and qualitative syllabus for sport education;

(vii) incorporating sports as a compulsory subject in the schools;

(viii) providing sports scholarship/stipend to the students with outstanding performance in sports;

(ix) providing weightage to marks obtained in sports for admission in institutions of higher education; and

(x) according preference to the outstanding sports persons in recruitment to posts under the Central and the State Government services.

Implementation  
of the  
national  
policy by the  
appropriate  
Government.

**4. (1)** It shall be the duty of the appropriate Government to implement the national policy formulated under section 3.

(2) The appropriate Government shall review the progress and quality of sports education being provided by the schools, from time to time, in such manner, as may be prescribed.

Constitution  
of a National  
Sports  
Education and  
Infrastructure  
Development  
Fund.

**5. (1)** The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known to be known as National Sports Education and Infrastructure Development Fund for carrying out the purposes of this Act.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

Punishment  
for violation  
of provision  
of the Act.

**6.** Where a school violates the provision of this Act, the appropriate Government may take such action, including withdrawal of recognition of the school, in such manner, as may be prescribed.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to  
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

India is a country having the highest number of youth. In the coming time, crores of children shall become youth and these children will be the real future of the country from demographic dividend point of view. The responsibility of overall development of children lies on society and the Government. The ancient civilization and culture of India has been very rich and the importance of sports in various forms and structures is evident since time immemorial.

In the recent phase of human and social development, this assumes all the more significance. In this context, some constructive initiatives to espouse sports as an important factor in the overall development of children is required. Today sports are played through the length and breadth of the country in an unstructured way. There is no dearth of talent in various sports in the country. The only shortcoming is that they seldom get proper resources and training. In a bid to identify real talent, requisite environment needs to be created for children at the school itself. Positive initiative in this regard may be made by making sports education compulsory in schools. Increase in the number of the youth having positive and vibrant energy will provide pace and momentum to the development of the country. Sports stills a sense of community feeling, discipline and zeal to be organized. Compulsory sports education in schools will identify talent and make India excel in the global sport and competitions. Therefore, it is necessary that compulsory sports education be made at the school level.

Hence this Bill.

NEW DELHI;  
*February 24, 2015.*

RAJEEV SATAV

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FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the formulation of a national policy for providing sports education and infrastructure development in schools. It also provides for creating awareness of sports among students, free and compulsory sports education, availability of sports instructor, financial assistance for infrastructure development, scholarship/stipend to students in schools. Clause 5 provides for constitution of a National Sports Education and Infrastructure Development Fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is difficult to give an exact estimate of the actual expenditure to be incurred on it. However, it is estimated that a recurring expenditure of rupees fifteen thousand crore will be involved from the Consolidated Fund of India per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules relate to matters of details only, the delegation of legislative power is of a normal character.

## BILL NO. 148 OF 2015

*A Bill to provide for framing of a national policy for preservation and protection of historical heritage and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Maintenance and Protection of Historical Heritage Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commencement.

## Definitions.

**2.** In this Act, unless the context otherwise requires—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "historical heritage" includes historical and archaeological site and remains, antiquities and historical monument of significant historical importance relating to Indian culture, civilization or national freedom movement;

(c) "non-governmental organisation" means an organisation, institution, educational centre or research institution engaged in the field of preservation, protection and maintenance of historical heritage for a period not less than three years with a good track record of its activities; and

(d) "prescribed" means prescribed by rules made under this Act.

Framing of a national policy for maintenance and protection of historical heritage.

**3.** (1) The Central Government shall, as soon as may be, by notification in Official Gazette, formulate a national policy for preservation and protection of historical heritage in the country.

(2) The national policy formulated under sub-section (1) may provide for—

(a) measures for preservation and protection of historical heritage which have been declared as of national importance as well as other historical heritage;

(b) criteria for the selection of non-governmental organisations for entrusting the work of preservation of historical heritage;

(c) constitution of a body at national level to monitor and regulate the functioning of non-governmental organisations engaged in the field of preservation of historical heritage;

(d) providing adequate financial assistance to the non-governmental organisations entrusted with the task of preservation of historical heritage under this act;

(e) prescribing duties of non-governmental organisations for the preservation, safety and protection of historical heritage;

(f) creating awareness among people about the importance of preservation and protection of historical heritage; and

(g) any other measure necessary for carrying out the purposes of this Act.

Implementation of the national policy.

**4.** (1) It shall be the duty of the appropriate Government to implement the national policy framed under section 3.

(2) The appropriate Government shall monitor and review, from time to time, the functioning of non-governmental organisations engaged in preservation and protection of historical heritage in such manner, as may be prescribed.

Central Government to provide adequate funds.

**5.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the provisions of this Act.

Penalty.

**6.** If any non-Governmental organisation indulges in any act which is or is likely to be detrimental to the preservation and protection of any historical heritage, the appropriate Government may initiate such action against such organisation as it may deem fit including imposition of fine or withdrawal of financial assistance or recovery of loss caused to the Government exchequer.

Power to make rules.

**7.** (1) The Central Government, may by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

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(2) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses, agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

India is a unique country in terms of its cultural heritage. Vibrant examples of thousand years of culture and civilization are existing in the form of various historical heritage, monuments, sites, remains etc. in the country. These are evidence of our golden and glorious past which hold important and prestigious position for the citizens of India. However, irony is that due care is not being given to many of the heritages, which have neither been identified nor marked. Many of these historical heritage are being damaged due to some construction over these structures. Adequate surveillance, protection and security of these heritage is very important. The practical experience has not been very positive in this regard. There is an immediate need to formulate a policy for preservation, protection and maintenance of historical heritage at the community level. Also, there is a need to make efforts to encourage non-governmental organisations and other institutions engaged in the field of preservation of historical heritage by giving them financial assistance to achieve the objectives.

The Bill seeks to provide for framing of a national policy for the preservation, protection and maintenance of historical heritage by entrusting the responsibility to the non-governmental organisations engaged in the related field.

Hence this Bill.

NEW DELHI;  
*February 25, 2015.*

RAJEEV SATAV

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FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the formulation of a national policy for preservation and protection of historical heritage in the country. It also provides for adequate financial assistance to the Non-governmental organizations for carrying out the provisions of the Act. Clause 5 provide for adequate funds to the State Governments for carrying out the provision of the Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is difficult to give an exact estimate of the expenditure to be incurred on it. However, it is estimated that a recurring expenditure of rupees one thousand crore per annum will be incurred from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matter of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 89 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2015.

Short title.

2. In article 348 of the Constitution, for clause (2), the following clause shall be substituted, namely:—

Amendment of article 348.

“(2) Notwithstanding anything in sub-clause (a) of clause (1), the Governor of a State may, after intimation to the President, authorise the use of the Hindi language, or any other language used for any official purposes of the State, in proceedings in the High Court having its principal seat in that State.”.

## STATEMENT OF OBJECTS AND REASONS

Due to rising literacy level and increased influence of electronic and print media on the society, the participation of people in various 'judicial' proceedings has been rising very sharply now-a-days. Generally, people in States are not much conversant and comfortable with English language. Allowing use of regional languages in various High Courts would be helpful in increasing legal awareness among the people. Therefore, it is proposed to amend article 348(2) to enable the use of regional languages in High Courts.

Hence this Bill.

NEW DELHI;  
*February* 26, 2015.

DARSHANA VIKRAMJARDOSH

*ANNEXURE*

## EXTRACT FROM THE CONSTITUTION OF INDIA

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<b>348.(1)</b>	*	*	*	*	*
(2) Notwithstanding anything in sub-clause (a) of clause (1), the Governor of a State may, with the previous consent of the President, authorise the use of the Hindi language, or any other language used for any official purposes of the State, in proceedings in the High Court having its principal seat in that State:					Language to be used in the Supreme Court and in the High Courts and for Acts, Bills, etc.
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## BILL NO. 150 OF 2015

*A Bill to provide for compulsory identification of callers and maintaining record of calls made from public call office in the interest of national security and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:

Short title,  
extent and  
commencement.

2015. 1. (1) This Act may be called the Identification of Callers Using Public Telephone Act,

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "public call office" means provision of telephone facility to general public in a public place through manned or coin operated pay phone;

(b) 'identity proof' includes voter photo identity card, pan card, aadhaar card, passport, registered rent agreement, valid ration card or any certificate or identity card issued by any office of the Central or State Government or any public undertaking or a passbook issued by a bank; and

(c) "prescribed" means prescribed by rules made under this Act.

3. (1) The owner of every public call office or, in case the public phone has been made available directly by the service provider, the owner or the service provider, as the case may be, shall maintain or cause to be maintained a record of every person who makes a call using the public call office and also the telephone number called by that person in such form and manner, as may be prescribed.

Maintaining of record of every call made from public call office.

(2) For the purpose of maintaining record of persons under sub-section (1), the owner of a public call office the service provider, as the case may be, shall require that person to provide him a copy of his valid identity proof.

4. Every owner or service provider, as the case may be, shall, whenever required furnish the record maintained under sub-section (1) of section 3 to the investigating agency of the State.

Furnishing of records of calls to the investigating agency.

5. Any person, who contravenes the provisions of this Act, shall be punished for the first offence with fine which may extend to fifteen lakh rupees and for a second or subsequent offence, if committed within three years of the commission of the previous offence, with fine which may extend to thirty lakh rupees.

Penalty.

6. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act not to be in derogation of any other law for the time being in force.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

There has been a sharp increase in number of fake or hoax calls made from public call office for, spreading false information relating to militancy or threatening, abusing and sexual harassment of women. It is a very serious security concern and is adversely affecting the activities of police force and disrupting public services.

Most of the users of telephone facility from public call office are genuine but a few of them make false or hoax calls just to divert the attention of police force to achieve their nefarious design or to leave police forces helpless for want of details of fake callers from public call offices.

In order to curb false or hoax calls, it is felt that it should be made compulsory for every owner of a public call office including a service provider to maintain a record of callers with sufficient proof of identification along with the details of numbers called from public call office.

Hence this Bill.

NEW DELHI;  
*February 26, 2015.*

DARSHANA VIKRAM JARDOSH

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 91 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2015.

Short title and  
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. After Clause (1) of article 72 of the Constitution, the following clause shall be inserted, namely:—

Amendment  
of article 72.

"(1A) Save as otherwise provided in clause (1), the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence referred to in clause (1) shall be exercised by the President within a period of eighteen months from the date of receipt of the petition of mercy:

Provided that if the President does not exercise the power within the aforesaid period, it shall be deemed that the petition of mercy has been declined."

## STATEMENT OF OBJECTS AND REASONS

Article 72 of the Constitution empowers the President to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of an offence mentioned in that article. Though, the President has been bestowed with absolute powers in this regard, no time limit has been fixed within which such power has to be exercised. As a result, the mercy petitions are kept pending for a long period without any decision. As a fall out of this, the convicts are to be kept guarded in jails and heavy expenditure is incurred upon them which is tax payers money and a drain on national exchequer. In the present situation, attempts are being made both externally and internally to hurt harmony and cohesiveness of our civil society in the form of terrorist activities or other such heinous crimes.

The persons who commit such heinous crimes misuse the provision of mercy petition to delay the sentence as disposal of such petitions take several years.

It is high time that such inordinate delay in disposal of mercy petitions be addressed to by providing that the power of the President to grant pardon, reprieve, respite or remission of punishment etc. must be exercised within eighteen months of the receipt of the mercy petition.

Hence this Bill.

NEW DELHI;  
*February 26, 2015*

DARSHANA VIKRAM JARDOSH

*ANNEXURE*

## EXTRACT FROM THE CONSTITUTION OF INDIA

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**72.** (1) The President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence—

(a) in all cases where the punishment or sentence is by a Court Martial;

(b) in all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union extends;

(c) in all cases where the sentence is a sentence of death.

\* \* \* \* \*

Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases.

## BILL NO. 86 OF 2015

*A Bill further to amend the Protection of Children from Sexual Offences Act, 2012.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title  
and  
commencement.

**1.** (1) This Act may be called the Protection of Children from Sexual Offences (Amendment) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section 4.

**2.** In the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the principal Act), in section 4, for the words "seven years", the words "ten years" shall be substituted.

32 of 2012.

Amendment  
of section 5.

**3.** In section 5 of the principal Act, clauses (j) and (t) shall be omitted.

4. After section 5 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 5A and 5B.

"5A. Whoever commits penetrative sexual assault on a child, which—

Life-impairing penetrative sexual assault.

14 of 1987.

(a) physically incapacitates the child or causes the child to become mentally ill as defined under clause (I) of section 2 of the Mental Health Act, 1987 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or

(b) in the case of female child, makes the child pregnant as a consequence of sexual assault; or

(c) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically, incapacitated, or mentally ill to perform regular tasks,

is said to commit life-impairing penetrative sexual assault.

5B. Whoever commits penetrative sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force is said to commit repeated penetrative sexual assault."

Repeated penetrative sexual assault.

5. In section 6 of the principal Act, for the words "ten years", the words "twenty years" shall be substituted.

Amendment of section 6.

6. After section 6 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 6A and 6B.

"6A. Whoever, commits life-impairing penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than twenty years but which may extend to imprisonment for life and shall also be liable to fine.

Punishment for life-impairing penetrative sexual assault.

6B. (1) Whoever, commits repeated penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than twenty years but which may extend to imprisonment for life and shall also be liable to fine.

Punishment for repeated penetrative sexual assault.

(2) Any person convicted of an offence of repeated penetrative sexual assault under section 5B shall be barred from employment in institutions established for the custody or care and protection of children."

7. In section 8 of the principal Act, for the words "punished with imprisonment of either description for a term which shall not be less than three years but which may extend to five years", the words "punished with rigorous imprisonment for a term which shall not be less than five years but which may extend to seven years" shall be substituted.

Amendment of section 8.

8. In section 9 of the principal Act, clauses (j) and (l) shall be omitted.

Amendment of section 9.

9. After section 9 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 9A and 9B.

"9A. Whoever commits sexual assault on a child, which—

Life-impairing aggravated sexual assault.

14 of 1987.

(a) physically incapacitates the child or causes the child to become mentally ill as defined under clause (I) of section 2 of the Mental Health Act, 1987 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or

(b) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently

impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks,

is said to commit life-impairing aggravated sexual assault.

Repeated  
aggravated  
sexual assault.

9B. Whoever commits sexual assault on the child more than once or repeatedly is said to commit repeated aggravated sexual assault."

Amendment  
of section 10.

**10.** In section 10 of the principal Act, for the words "not be less than five years but which may extend to seven years", the words "not be less than seven years but which may extend to ten years" shall be substituted.

Insertion of  
new sections  
10A and 10B.

**11.** After section 10 of the principal Act, the following sections shall be inserted, namely:—

Punishment  
for life-  
impairing  
aggravated  
sexual assault.

"10A. Whoever commits life-impairing aggravated sexual assault shall be punished with rigorous imprisonment for a term which shall not be less than twenty years but which may extend to imprisonment for life, and shall also be liable to fine.

Punishment  
for repeated  
aggravated  
sexual assault.

10B. (1) Whoever, commits repeated aggravated sexual assault shall be punished with rigorous imprisonment for a term which shall not be less than twenty years but which may extend to imprisonment for life and shall also be liable to fine.

(2) Any person convicted of an offence of repeated aggravated sexual assault under section 9B shall be barred from employment in institutions established for the custody or care and protection of children."

## STATEMENT OF OBJECTS AND REASONS

India is home to the largest child population in the world. Almost forty-two per cent. of the total population of the country is under eighteen years of age. Needless to say, the health and security of the country's children is integral to any vision for its progress and development.

One of the issues marring this vision of the country's future generations is the evil of sexual abuse of child. Statistics released by the National Crime Records Bureau reveal that there has been a steady increase in sexual crimes against children.

The Ministry of Women and Child Development, recognizing that the problem of sexual abuse of children needs to be addressed through less ambiguous and more stringent legal provisions enacted the Protection of Children from Sexual Offences Act, 2012, which intends to effectively address the heinous crimes of sexual abuse and sexual exploitation of children in the country.

While the Protection of Children from Sexual Offences Act, 2012 provides for child friendly procedures for reporting, recording of evidence, investigation and trial of offences, the increase in the number as well as the brutality of sexual offences against children requires more stringent punishment against the perpetrators.

Hence this Bill.

NEW DELHI;  
*March 9, 2015.*

POONAM MAHAJAN

## ANNEXURE

## THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

(32 OF 2012)

\* \* \*

**4.** Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to imprisonment for life, and shall also be liable to fine.

**5. (a)** Whoever, being a police officer, commits penetrative sexual assault on a child—

\* \* \*

(j) whoever commits penetrative sexual assault on a child, which—

(i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (l) of section 2 of the Mental Health Act, 1987 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or

(ii) in the case of female child, makes the child pregnant as a consequence of sexual assault;

(iii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, mentally ill or mentally unfit to perform regular tasks; or

\* \* \*

(t) whoever commits penetrative sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or

\* \* \*

Punishment  
for  
aggravated  
penetrative  
sexual assault.

**6.** Whoever, commits aggravated penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

\* \* \*

Punishment  
for sexual  
assault.

**8.** Whoever, commits sexual assault, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to five years, and shall also be liable to fine.

Aggravated  
sexual assault.

**9. (a)** Whoever, being a police officer, commits sexual assault on a child—

\* \* \*

(j) whoever commits penetrative sexual assault on a child, which—

(i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (l) of section 2 of the Mental Health Act, 1987 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or

(ii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, mentally ill or mentally unfit to perform regular tasks; or

\* \* \*

(l) whoever commits sexual assault on the child more than once or repeatedly; or

\* \* \* \*

**10.** Whoever, commits aggravated sexual assault shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

Punishment  
for  
aggravated  
sexual assault.

\* \* \* \*

## BILL NO. 113 OF 2015

*A Bill to provide for extra amenities to the girl child having no male siblings in the family including incentives to parents of girl child irrespective of their financial status and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1.** (1) This Act may be called the Girl Child (Provision of Extra Amenities) Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "extra amenities" in relation to a girl child include—

(i) free railway pass to the girl child till she attains the age of twenty five years or gets married, whichever is earlier;

(ii) priority in admission in educational institutions irrespective of percentage of marks;

(iii) reservation in posts and services under the State; and

(iv) relaxation in age upto the age of forty years and relaxation in eligibility criteria for appointment to posts and services under the State;

(c) "girl child" means a girl who has no male sibling; and

(d) "prescribed" means prescribed by rules made under this Act.

**3.** (1) It shall be the duty of the Central Government to formulate and implement schemes aimed at the welfare of girl child and take steps to ensure provision of extra amenities to every girl child.

Central Government to formulate and implement schemes aimed at the welfare of girl child.

(2) For the purposes of sub-section (1), the Central Government shall designate an officer not below the rank of Joint Secretary—

(i) to look after the implementation of welfare schemes and provision of extra amenities;

(ii) to issue special identity card to every girl child;

(iii) to maintain a register of families of every girl child; and

(iv) to undertake such other programmes and schemes for the welfare of girl child as may be prescribed.

**4.** Every girl child shall be entitled to the following amenities, namely:—

Amenities to the girl child.

(i) free education from primary to higher secondary level;

(ii) educational loan for higher and technical education at concessional rate of interest;

(iii) reservation in admission to educational institutions;

(iv) opportunities for employment and self employment;

(v) reservation in posts and services under the Central and the State Governments;

(vi) free healthcare facilities;

(vii) financial assistance to the girl child for setting up self-employment units; and

(viii) such other amenities as may be necessary for the all-round development of the girl child.

**5.** The appropriate Government shall, by notification in the official Gazette, constitute a Girl Child Wing for the following purposes, namely:—

Constitution of a Girl Child Wing.

(i) to conduct survey every year at Panchayat level and District level to count the number of families having girl child;

(ii) to co-ordinate with the local authorities for implementing welfare measures for the girl child; and

(iii) to undertake such other functions as may be assigned to it from time to time by the appropriate Government.

Incentives to  
parents of  
girl child.

**6.** A married couple having girl child, shall be given the following incentives by the appropriate Government,—

(i) one time special promotion to either of the parents if either or both of them are Government employee;

(ii) such amount of money as is equivalent to twice the amount of bonus being paid to Government employees to the parents, if neither of them is in Government service; and

(iii) such other incentives as may be prescribed.

Disincentives  
for abusing  
girl child.

**7.** Any person including a parent, who indulges in any act of abuse of a girl child shall not entitled to get any incentive or benefit under this Act.

Central  
Government  
to provide  
funds.

**8.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments for carrying out the purposes of this Act.

Act not to be  
in derogation  
of any other  
law for the  
time being in  
force.

**9.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with any of the matters dealt with in this Act.

Power to  
make rules.

**10. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

In spite of Government's strenuous efforts to maintain or restore demographic balance, the percentage of girl child is decreasing and there is considerable difference in the male-female ratio in the country.

The discrimination against girl child or female infanticide widely prevails in middle income families, upper middle income families and rich families, as the technology of pre-natal sex determination is easily accessible to them. The Central and State Governments have undertaken a number of measures to improve survival and status of girl children in the country.

The enactment of Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 is one of the key initiatives to prevent female foeticide but it has not achieved its objective. The Government had set up a Sectoral Innovation Council for improving child sex ratio and while acting upon its recommendations, a pilot scheme 'Sabla' was launched for a comprehensive intervention for adolescent girls in the age group of 11-18 years. Moreover, Sarva Shiksha Abhiyan (SSA), Rashtriya Madhyamik Shiksha Abhiyan, Kasturba Gandhi Balika Vidyalaya (KGBV), Kishori Shakti Yojana (KSY), National Nutritional Programme for Adolescent Girl (NPAG), Ujjawala scheme for prevention of trafficking and for rescue, rehabilitation and reintegration of trafficked victims, Dhanlakhsmi—a conditional Cash Transfer Scheme for girl child with insurance cover, Indira Gandhi Scholarship for Single Girl Child for pursuing higher and technical education and Pragati Scholarship for single girl child to pursue technical education have been launched by the Government of India to encourage and empower the girl child. The Government has also set-up a Fund called the Nirbhaya Fund with a corpus of one thousand crore rupees for empowerment, safety and security of women and girl children.

The State Governments are also implementing their own schemes to incentivize the birth of a girl child and encourage families to place a premium on her education and development through conditional Cash Transfer Schemes like 'Mukhya Mantri Kanya Suraksha Yojna' of Bihar Government, 'Majoni' of Assam, 'Bhagyalakshmi Scheme' of Karnataka, 'Ladli Scheme Yojna' of Madhya Pradesh, 'Balika Samridhi Yojna' of Gujarat and Himachal Pradesh, 'Balri Rakshak Yojana' and 'Kanya Jagriti Jyoti Scheme' of Punjab, 'Kanyadan Scheme' of Madhya Pradesh, 'Kalyanalakshmi' of Telangana, the Girl Child Protection Scheme of Andhra Pradesh, 'Bangaru Thalli' welfare scheme of Government of Andhra Pradesh, Shiksha Karmi, District Primary Education Programme (DPEP), National Programme for Education of Girls at Elementary Level (NPEGEL), Lok Jumbish Yojana (Rajasthan), Padhe Bitiya Badhe Bitiya (Uttar Pradesh), Ladli Scheme, Mamta-Taruni Programme to ensure adequate healthcare and timely counselling to adolescent girls and 'Hunar Scheme' of Bihar to empower the adolescent girls belonging to the Scheduled Castes, the Scheduled Tribes and minority communities.

Recently launched schemes 'Beti Bachao—Beti Padhao' and 'Sukanya Samridhi Account' are a bid to encourage birth and education of girls and tackle the abysmally low child sex ratio of 918 female to 1000 male.

But all these schemes could not bring any considerable change in the mindset of people. The Census-2012 has revealed that there has been sharp decline in child sex ratio in the age-group of 0-6 years, declining from 927 girls per thousand boys in 2001 to 919 in 2011. This decline has been continuing unabated since 1961.

To reset the feeling that girl child is a burden, protect the rights of the girl child, provide social and financial empowerment to girl child, eliminate negative cultural attitudes practices against girls, strengthen the role of the family in improving the status of the girl child, show unflinching support to the girl child to improve the social status of the girls/women and to

prevent gender discrimination by empowering and protecting the rights of the girl children, there is an absolute need to sensitize the people of middle and rich class, where the core issue is swirling.

Therefore, it is an opportune time to take stock of the situation of grave concern to save girl child and create awareness by sensitizing targeted groups and provide generous incentives to the families of only girl children for upbringing of their girl child in a respectable manner.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
March 12, 2015.

PRALHAD JOSHI

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#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall formulate and implement schemes aimed at the welfare of girl child. It further provides for issuing of special identity card and maintenance of a register of families of every girl child. Clause 4 provides for certain amenities like free education, health care facilities and financial assistance to the girl child for setting up self-employment units. Clause 5 provides for conduct of survey every year at Panchayat and District level to count the number of families having girl child. Clause 6 provides for incentives to the parents of girl child. Clause 8 provides that the Central Government shall provide requisite funds to the State Governments for carrying out the purpose of the Bill.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one thousand crores will be involved.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of normal character.

## BILL NO. 140 OF 2015

*A Bill to provide for the welfare of private drivers by constituting a Fund to be known as the Private Drivers Welfare Fund and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Private Drivers (Welfare) Act, 2015.

Short title  
and  
commencement.

(2) It shall come in to force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "private driver" means a person who is skilled as a driver and possesses a valid driving license issued by an authority of the appropriate Government and who offers his service as a driver to any person for personal use or for commercial purpose but does not include a person who is enrolled on the payroll of a company registered under the Companies Act, 2013.

(c) "employer" means a person who takes the services of a private driver either for personal use or for his commercial vehicle.

(d) "Fund" means Private Drivers Welfare Fund constituted under section 3; and

(e) "prescribed" means prescribed by rules made under this Act.

Constitution  
of the Private  
Drivers  
Welfare Fund.

**3. (1)** The Central Government shall constitute a Fund to be known as the Private Drivers Welfare Fund.

(2) The Fund shall consist of contributions from the Central Government, the State Governments and the employers.

(3) The Fund shall be administered by a Board consisting of,—

(a) a Chairperson to be appointed by the Central Government;

(b) one member representing each of the State Government and the Union Territory Administrator, who shall be nominated by the respective State Government or the Union Territory Administration, as the case may be;

(c) two members representing the private drivers; and

(d) one officer not below the rank of Joint Secretary in the Union Ministry of Social Justice and Empowerment.

(4) The salary and allowances payable to, and other terms and conditions of the service of Chairperson and members of the Board shall be such as may be prescribed.

Functions of  
the Board.

**4. (1)** The Board shall determine the purposes for which the Fund shall be utilized.

(2) Without prejudice to the generality of the provision of sub-section (1), the Fund shall be utilized for the following purposes, namely:—

(a) payment of old-age pension at the rate of rupees five thousand per month to private drivers who have attained the age of sixty years;

(b) healthcare facilities at subsidized rate to private drivers and their dependent family members at the designated Government and private hospitals;

(c) free health insurance;

(d) free education facilities including supply of books, uniform, writing materials, transport to and from school, for the children of private drivers;

(e) free insurance cover; and

(f) housing facilities at subsidised cost.

Entitlement  
of minimum  
wages to  
private  
drivers.

**5.** Every private driver shall be entitled to get assured minimum wage as such rate, as may be determined from time to time, by appropriate Government.

Regulation of  
working  
hours.

**6. (1)** No private driver shall, except the time taken for meals and leisures, be required to work for more than—

(i) eleven hours in a day;

(ii) fifty five hours in a week; and

(iii) five consecutive hours in a day or eight consecutive hours during night.

(2) Every private driver shall be entitled to—

(i) one hour of rest after every five hours of consecutive work;

(ii) one holiday per week; and

(iii) holidays on such occasions, as may be specified by the Central Government.

**7.** Any employer who fails to contribute to the Fund in accordance with the provision of section 3 or who contravenes the provisions of section 5 shall be punished with a fine which may extend up to rupees one lakh or an amount equal to one year's assured minimum wage, whichever is higher.

Penalty.

**8.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Board for carrying out the purposes of this Act.

Central Government to provide adequate funds.

**9.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act not to be in derogation of other law.

**10. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying the purpose of this Act.

Power to make rules.

(2) Every rule made under this Act, shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modifications both the Houses agree that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

## STATEMENT OF OBJECTS AND REASONS

Private drivers perform intensive work which involves element of risk. During the course of their employment, private drivers do all sorts of jobs assigned by employers and are overburdened with work. However, the salary paid is not proportionate to the actual work done by them. They carry work stress, which is a major cause of accidents. Private drivers come from poorest section of the society and do not enjoy any security of job. Majority of private drivers are not able to afford the cost of education of their children due to their meager income and lack of resources. Therefore, the State should come forward to ensure the safety and well being of this unrecognized labour force.

The Bill seeks to provide for constitution of a Private Drivers Welfare Fund and a Board to take some Welfare measures for private drivers and their family members so that they can lead a decent life.

Hence, this Bill.

NEW DELHI;  
March 15, 2015.

MAHEISH GIRRI

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FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Private Drivers Welfare Fund for the private drivers. It further provides for constitution of a Board to administer the Fund. Clause 8 provides that the Central Government shall provide adequate funds to the Board for carrying out the purposes of the Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

It is estimated that a sum of rupees one thousand crore will be involved as recurring expenditure per annum from the consolidated Fund of India.

A non-recurring expenditure of about one hundred crore will also be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 147 OF 2015

*A Bill to provide for the constitution of a Commission for the formation of a separate State of Bundelkhand by reorganization of the existing States of Uttar Pradesh and Madhya Pradesh and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called The Commission for the Formation of the State of Bundelkhand Act, 2015.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.	<p><b>2.</b> It this Act, unless the context otherwise requires,—</p> <p>(a) Bundelkhand includes the districts of Hamirpur, Mahoba, Jhansi, Lalitpur, Jalaun, Banda and Chitrakoot districts of the State of Uttar Pradesh; and Chattarpur, Tikamgarh, Panna, Damoh, Sagar and Datia districts of the State of Madhya Pradesh; and</p> <p>(b) “prescribed” means prescribed by rules made under this Act.</p>
Commission for the formation of a separate State of Bundelkhand.	<p><b>3.</b> The Central Government shall, by notification in the Official Gazette, constitute a Commission to study and report on the formation of a separate State of Bundelkhand by reorganization of the existing States of Uttar Pradesh and Madhya Pradesh.</p>
Composition of the Commission.	<p><b>4.</b> (1) The Commission shall consist of:—</p> <p>(i) a Chairperson, who shall be a retired Judge of the Supreme Court; and</p> <p>(ii) four members having at least ten years of experience in the field of social service in the Bundelkhand region or having special knowledge in the field of regional development,</p> <p>to be appointed by the Central Government, in such manner, as may be prescribed.</p> <p>(2) The salary and allowances payable to, and other terms and conditions of service of, the Chairperson and members of the Commission shall be such as may be prescribed.</p> <p>(3) The Commission shall have its office at Banda in the State of Uttar Pradesh.</p> <p>(4) The Central Government shall provide such number of officers and staff to the Commission as may be required for its efficient functioning.</p>
Functions of the Commission.	<p><b>5.</b> (1) The Commission shall perform such functions with regard to formation of a separate State of Bundelkhand as may be assigned to it by the Central Government.</p> <p>(2) Without prejudice to the generality of the foregoing provision, the Commission shall make recommendation on,—</p> <p>(i) allocation of assets to the proposed State of Bundelkhand;</p> <p>(ii) allocation of Government employees and officers to the proposed State of Bundelkhand;</p> <p>(iii) in consultation with the Election Commission of India, delimitation of constituencies for elections to the House of the People and Legislative Assemblies of the States of Uttar Pradesh and Madhya Pradesh and the proposed State of Bundelkhand; and</p> <p>(iv) allocation of water and natural resources to the proposed State of Bundelkhand.</p>
Central Government to provide adequate funds.	<p><b>6.</b> The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the Commission such sums of money as the Central Government may think fit for the purposes of this Act.</p>
Power of the Commission to call upon to secure assistance.	<p><b>7.</b> The Commission shall have the power to secure the assistance of any office or agency under the administrative control of the existing States of Uttar Pradesh or Madhya Pradesh for carrying out the functions assigned to it under this Act.</p>
Term of the Commission.	<p><b>8.</b> (1) The Commission shall submit its report on the formation of a separate State of Bundelkhand to the Central Government within a period of one year from the date of its first sitting:</p>

Provided that the Central Government may, on a request made by the Commission extend the time for submission of the report for such period, being not more than six months as it may deem appropriate.

**9. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to  
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

One of the poorest and backward regions in the country, Bundelkhand in Central India is a drought-prone area with limited natural resources, severe water scarcity, improper land planning and management, poor industrial development, limited livelihood options, gender discrimination and poor economic growth. The people of this region have remained politically and economically separated from mainstream and have very low levels of economic and human development.

Lack of information and awareness measures to empower communities, gender discrimination, exclusion of girls from education, inadequate skills and limited capacity building opportunities, poor access to development services, very little access to livelihoods and lack of collaborative action from different development agencies are the major issues that need to be addressed and resolved.

The region is economically and industrially one of the most backward region in India. Lack of resources, poor communications and infertile land are some of the reasons for under-development of the region. Since the early 1960s, there has been a movement for establishing a Bundelkhand State for proper development of the region. Bundelkhand is geographically the central part of India covering some part of the State of Madhya Pradesh and some part of the State of Uttar Pradesh. In spite of being rich in minerals, the people of Bundelkhand are very poor and the region is underdeveloped and underrepresented in State and Central politics. There are several local parties and organisations—some are promoting further development of the region and some seeking separate statehood.

Bundelkhand region falls in and is being administered by two States. The States of Uttar Pradesh and Madhya Pradesh possess different strategy and development orientation. This is the root cause of all crisis. The common region of Bundelkhand is being administered by two different approaches. Now how this condition affects development can be illustrated by drawing one's attention towards ravine formation. Ravine formation is a natural process which gets accelerated when there is deforestation. Now both these States are having a separate policy regarding managing ravines. So ravine formation is increasing while the authorities in the both States capital blame each other.

There are many other such examples but the root cause of all this is the lack of political organisation. Thus, the demand for a separate State of Bundelkhand is being raised time and again.

The people of Bundelkhand have the right to claim political entity that will play pivotal role in shaping the destiny of this poorest region in the country.

Hence this Bill.

NEW DELHI;  
March 26, 2015.

BHAIRON PRASAD MISHRA

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#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Commission for the formation of a separate State of Bundelkhand. Clause 4 provides for the salary and allowances of the Chairperson and members of the Commission. Clause 6 provides for payment of funds to the Commission by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees twenty crore per annum would be involved. A non-recurring expenditure of about rupees five crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill.

As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 129 OF 2015

*A Bill further to amend the Indian Penal Code, 1860*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commencement.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of  
new section for  
section 326A.

2. In the Indian Penal Code, 1860, for section 326A, the following section shall be substituted, namely:—

Voluntarily  
causing  
grievous hurt  
by use of acid.

“326A. Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with death.”.

## STATEMENT OF OBJECTS AND REASONS

Acid attack is a form of violent assault with the intention to disfigure, maim, torture or kill another person particularly women and has been a threat to the safety of women for long. According to the National Crime Records Bureau, in the decade 2001-2011, the crime rate against women had increased by 34.9 percent. The National Crime Records Bureau has also reported that there have been 225 acid attack cases between the years 2010 and 2012. It is unfortunate that despite the widespread incidence of acid attacks, there is no specific law to effectively deal with the issue.

The Poisons Act, 1919 empowers the State Government to regulate possession for sale and sale of any poison. It also provides for imprisonment for a period upto one year and fine upto one thousand rupees for violation of the provisions of the Act. Acid attack cases are treated as 'hurt' and 'grievous hurt' under the provisions of the Indian Penal Code, 1860. Eventually, the watershed Criminal Laws Amendment in 2013 has recognised the acid attack as an heinous crime but a lot more has to be done.

Despite all this, the number of acid attacks in the country have not come down. It is strongly felt that the punishment to offenders in acid attack cases should be raised to death penalty as is provided in case of murder in order to deter the offenders from committing the heinous crime of acid attack.

Hence this Bill.

NEW DELHI;  
March 27, 2015.

MEENAKASHI LEKHI

*ANNEXURE*

EXTRACT FROM THE INDIAN PENAL CODE, 1860

(45 OF 1860)

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“326A. Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with death.”.

\* \* \* \*

Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim:

Provided further that any fine imposed under this section shall be paid to the victim.

## BILL NO. 130 OF 2015

*A Bill further to amend the Code of Criminal Procedure, 1973.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 2015.

Short title and  
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 357A of the Code of Criminal Procedure, 1973, after clause (2), the following provisos shall be inserted, namely:—

Amendment  
of section  
357A.

"Provided that the recommendation for compensation to be awarded may extend upto ten lakh rupees:

Provided further that while recommending the compensation, the Court shall take into consideration the interim and other reliefs granted to a victim."

## STATEMENT OF OBJECTS AND REASONS

The current compensation amounts given to acid attack victims does not adequately cover the expenses incurred on medical treatment. Fine imposed on offenders under section 326A of the Indian Penal Code, 1860 is paid to the victim for meeting the medical expenses of treatment. However, the actual expenditure incurred by a victim on medical, psychological and rehabilitation is always much higher than the amount of fine.

Section 357A was inserted by way of an amendment in the Code to introduce Victims Compensation Scheme. However, as observed by the Supreme Court, only seventeen States/ Union territories have implemented the Victim Compensation Scheme so far, and, sadly these amounts range from rupees twenty-five thousand to rupees two lakh at the most. Noting the insufficiency of these amounts, the Supreme Court in 2013 had directed that States pay a minimum of rupees three lakh as compensation to victims. The Law Commission, on the other hand, has recommended in its 226th report that at least five lakh rupees should be paid as compensation to a victim.

The Bill seeks to increase the minimum compensation to be paid to a victim upto ten lakh rupees. Medical expenditure to be incurred by a victim alone is a hefty and, in most cases, it is an unaffordable amount. It involves both short and long term treatments of corrective surgeries, physiotherapy and skin grafting, among other treatments. For the deep trauma and social prejudice that a victim faces, intensive psychological counselling also becomes necessary. In some cases, 25 to 30 corrective surgeries are required for a single victim and the treatment takes several years. After these procedures, the victims need to be rehabilitated back in to the society to proceed further with their studies or career.

In view of the immense psychological, financial and social pressure that a victim undergoes, it is necessary to amend the Code of Criminal Procedure, 1973 with a view to increase the amount of compensation upto ten lakh rupees to be paid to a victim of acid attack.

Hence this Bill.

NEW DELHI;  
March 27, 2015.

MEENAKASHI LEKHI

*ANNEXURE*

## EXTRACT FROM THE CODE OF CRIMINAL PROCEDURE, 1973

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**357A.** (1) Every State Government in co-ordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.

Victim  
compensation  
scheme.

(2) Whenever a recommendation is made by the Court for compensation, the District Legal Service Authority or the State Legal Service Authority, as the case may be, shall decide the quantum of compensation to be awarded under the scheme referred to in sub-section (1).

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## BILL NO. 136 OF 2015

*A Bill further to amend the Contempt of Courts Act, 1971.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Contempt of Courts (Amendment) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section 1.

**2.** In section 1 of the Contempt of Courts Act, 1971 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) It shall apply to the Supreme Court of India and the High Courts in exercise of their powers under article 129 and 215, respectively, of the Constitution of India.”.

70 of 1971.

3. In the principal Act, in section 2, in clause (c), sub-clause (i) shall be omitted.	Amendment of section 2.
4. In the principal Act, for section 13, the following section shall be substituted, namely:—	Substitution of new section for section 13.
<p>“13. Notwithstanding anything contained in any law for the time being in force,—</p> <p>(a) no court shall adjudge a person guilty under this Act for a contempt of court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice;</p> <p>(b) the court may permit, in any proceeding for contempt of court, justification by truth as a valid defence if it is satisfied that the request for invoking the said defence is <i>bona fide</i>:</p> <p>Provided that no person shall be held guilty of a contempt of court for making or publishing any statement relating to a judge or a court, which is true or which he, in good faith, believes to be true.</p> <p><i>Explanation.</i>— Nothing will be believed in good faith unless it is believed with due care and caution.”.</p>	Contempts not punishable in certain cases.

## STATEMENT OF OBJECTS AND REASONS

The present Bill is an attempt to bring the contempt law in conformity with constitutional liberty and the public interest in disclosure of truth. The Bill gives shape to most of the recommendations made by the Standing Committee on Personnel, Public Grievances, Law and Justice in its Twelfth Report presented to the Parliament in August 2005 pertaining to the Contempt of Courts (Amendment) Bill, 2004. A fresh modern and democratic approach is required in India to do away with the old anachronistic view related to contempt law.

Hence this Bill.

NEW DELHI;  
*April* 1, 2015.

SANJAY JAISWAL

## ANNEXURE

## EXTRACT FROM THE CONTEMPT OF COURTS ACT, 1971

(70 OF 1971)

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1. (1) This Act may be called the Contempt of Courts Act, 1971.

Short title  
and extent.

(2) It extends to the whole of India:

Provided that it shall not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to contempt of the Supreme Court.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) \* \* \* \*

(b) \* \* \* \*

(c) “criminal contempt” means the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which—

(i) scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court.

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13. Notwithstanding anything contained in any law for the time being in force,—

Contempts  
not punishable  
in certain  
cases.

(a) no court shall impose a sentence under this Act for a contempt of court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice;

(b) the court may permit, in any proceeding for contempt of court, justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is *bona fide*.

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## BILL NO. 128 OF 2015

*A Bill further to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commencement.

1. (1) This Act may be called the Mahatma Gandhi National Rural Employment Guarantee (Amendment) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section 2.

2. In section 3 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything in this Act, every farmer, who gets himself registered under this Act in such manner, as may be prescribed, shall be provided work for at least one hundred days in a year, if the place where he is residing and practising farming is declared as an area affected by natural calamity including drought or flood by the State Government.”.

## STATEMENT OF OBJECTS AND REASONS

In our country, farmers constitute nearly seventy per cent. of the total population. Many parts of the country face earthquake, hailstorm, cloud bursts, unseasonal rain and other natural calamities. Farmers mostly bear the brunt of such natural calamities. They lose their crops, livestock and many a time their dwelling units and household items including foodgrains. Despite this, farmers are supposed to repay their loans to the money-lenders whether their harvest is good or not. In depression, many of them end their lives. Thousands of farmers have committed suicide in recent years in the States of Maharashtra, Andhra Pradesh, Punjab, Uttar Pradesh, Madhya Pradesh, Tamil Nadu and Karnataka. Indebtedness of our farming community is chronic and a continuing problem which has to be taken care of by the Government.

It is the foremost duty of the Government to provide work to every farmer under the Mahatma Gandhi National Rural Employment Guarantee Scheme for at least one hundred days in a year in case the place where he is residing and practising farming is declared by the State Government an area affected by the natural calamity including drought or flood.

Hence this Bill.

NEW DELHI;  
*April 6, 2015.*

NANABHAU FALGUNRAO PATOLE

## FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide work to every farmer, for at least one hundred days in a year, residing and practising farming in an area declared to be an affected area by natural calamity including drought or flood by the State Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees one thousand crore from the Consolidated Fund of India.

Non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

*ANNEXURE*EXTRACT FROM THE MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE  
ACT, 2005

Guarantee of  
rural  
employment  
to  
households.

\* \* \* \*

3. (1) Save as otherwise provided the State Government shall, in such rural area in the State as may be notified by the Central Government, provide to every household whose adult members volunteer to do unskilled manual work not less than one hundred days of such work in a financial year in accordance with the Scheme made under this Act.

\* \* \* \*

## BILL NO. 138 OF 2015

*A Bill further to amend the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Amendment Act, 2015.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section 2.

**2.** In section 2 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (hereinafter referred to as the principal Act), after clause (a), the following clause shall be inserted, namely:—

‘(aa) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;’.

Insertion of  
new section  
6A.

**3.** After section 6 of the principal Act, the following section shall be inserted, namely:—

Prohibition on  
removal of  
female foetus.

“6A. On and from the commencement of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Amendment Act, 2015, no person or genetic counselling centre or genetic laboratory or genetic clinic, after having conducted pre-natal diagnostic procedure or test, shall conduct or cause to be conducted any surgical or any other procedure or administer medication or cause to be administered medication in any manner with the intention to remove the female foetus.”

Amendment  
of section 23.

**4.** In section 23 of the principal Act,—

‘(i) in sub-section (1), for the words “punishable with imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees and on any subsequent conviction, with imprisonment which may extend to five years and with fine which may extend to fifty thousand rupees”, the words “punishable with imprisonment for a term which may extend to four years and with fine which may extend to one lakh rupees and on any subsequent conviction, with imprisonment which may extend to ten years and with fine which may extend to five lakh rupees” shall be substituted.’.

Insertion of  
new sub-  
section 23(5).

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) Any person or organization, by whatever name called, who aids or abets the commission of offence of removal of female foetus or withholds information regarding commission of such offence shall be punished with imprisonment for a term which may extend to two years and with fine which may extend to fifty thousand rupees.”.

Amendment  
of section 25.

**5.** In section 25 of the principal Act, for the words “punishable with imprisonment for a term which may extend to three months or with fine, which may extend to one thousand rupees or with both”, the words “punishable with imprisonment for a term which may extend to six months or with fine, which may extend to ten thousand rupees or with both” shall be substituted.

Insertion of  
new Chapter  
VIIA.

**6.** After Chapter VII of the principal Act, the following Chapter shall be inserted, namely:—

## “CHAPTER VIIA

### ESTABLISHMENT OF FAST TRACK COURTS

Procedure to  
deal with  
offences  
committed  
under the Act.

**28A.** Notwithstanding anything contained in this Act, whoever contravenes any of the provisions of this Act or any rules made thereunder shall be deemed to be guilty of committing an offence under this Act and shall be dealt with in accordance with the procedure laid down in this Chapter.

Establishment  
of Fast Track  
Courts.

**28B.** (1) For the purpose of providing speedy trial of offences, the appropriate Government shall establish such number of Fast Track Courts as it may deem necessary, to deal exclusively with the matters arising out of offences committed under this Act.

(2) The Fast Track Courts under sub-clause (1) shall be established in consultation with the Chief Justice of the High Court concerned.

(3) The expenses incurred in establishing the Fast Track Courts and the administrative expenses of such courts, including salaries, allowances and pensions payable to or in respect of persons serving in that office, shall be borne by the Central Government.

28C. An investigation into an offence committed under this Act and the filing of charge-sheet in the Fast Track Court shall be completed within a period of sixty days from the date of filing of a complaint.

Investigation and filing of charge-sheet to be completed within sixty days.

28D. The Fast Track Court shall complete the trial within a period of one hundred and twenty days from the date of filing of charge-sheet in the court:

Fast Track Court to complete the trial within one hundred and twenty days.

Provided that where the trial cannot be completed within a period of one hundred and twenty days, the Fast Track Court shall record in writing the reasons therefor and complete the trial within a further period of not more than sixty days, or within such further periods not exceeding sixty days at a time, for reasons to be recorded in writing, but not exceeding a total period of one year.

28E. On and from the commencement of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Amendment Act, 2015, the jurisdiction, powers and authority in relation to offences committed under this Act shall be exercisable by a Fast Track Court established under this Chapter and no other Court except the High Court concerned and the Supreme Court shall have jurisdiction, powers or authority in relation to such offences.

Offences committed to be exercisable by a Fast Track Court.

28F. Every suit or other proceeding filed or initiated under this Act and pending before any other court, Tribunal or Authority immediately before the date of commencement of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Amendment Act, 2015 shall stand transferred on that date to the Fast Track Court of competent jurisdiction: Provided that nothing contained in this section shall apply to a suit or other proceedings pending in the High Court or the Supreme Court, as the case may be.”.

Transfer of cases to the Fast Track Court.

## STATEMENT OF OBJECTS AND REASONS

The practice of female foeticide is prevalent in many parts of our country. According to estimates, foetal sex determination and selective abortion of female foetus has grown into a huge industry with doctors making at least rupees 1,000 crore by conducting illegal sex-selection procedures in India. The 2001 census revealed a decrease in child sex ratio from 945 in 1991 to 927 in 2001. The latest census in 2011 shows that the child sex ratio has dropped to 914 females against 1000 male the lowest since independence. Also, there is ample evidence to suggest that this practice of sex determination and female foeticide has grown among the upper and middle class of the society and has moved to cities and towns. An estimated 15 million girls were wiped out simply not born in India over the last decade due to sex selection and female foeticide. And not surprisingly, India ranks 113th out of 135 countries in the World Economic Forum's Global Gender Gap Index for 2011.

The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act was enacted in 1994 to prohibit sex selection, before or after conception, and for preventing the misuse of pre-natal diagnostic techniques for sex determination. However, ineffective implementation of this Act has led to minimum number of convictions and dented the fight against female foeticide. In 2001, seven years legislation, the Supreme Court directed State Governments to enforce the provisions of the aforesaid Act effectively.

Therefore, it is necessary to establish Fast Track Courts to quickly and efficiently deliver justice and convict those who commit the horrendous crime of female foeticide.

Hence this Bill.

NEW DELHI;  
*April 6, 2015.*

BAIJAYANT PANDA

## FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for establishment of Fast Track Courts to deal exclusively with matters arising under the Act. All expenditure in respect of Fast Track Courts shall be met out of the Consolidated Fund of India.

It is estimated that a sum of rupees twelve crore will be required as recurring expenditure per annum. A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

## ANNEXURE

EXTRACT FROM THE PRE-CONCEPTION AND PRE-NATAL DIAGNOSTIC TECHNIQUES  
(PROHIBITION OF SEX SELECTON) ACT, 1994  
(57 OF 1994)

\* \* \* \*

**23.** (1) Any medical geneticist, gynaecologist, registered medical practitioner or any person who owns a Genetic Counselling Centre, a Genetic Laboratory or a Genetic Clinic or is employed in such a Centre, Laboratory or Clinic and renders his professional or technical services to or at such a Centre, Laboratory or Clinic, whether on an honorary basis or otherwise, and who contravenes any of the provisions of this Act or rules made thereunder shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees and on any subsequent conviction, with imprisonment which may extend to five years and with fine which may extend to fifty thousand rupees.

Offences and penalties.

(2) \* \* \* \*

(3) \* \* \* \*

(4) \* \* \* \*

**25.** Whoever contravenes any of the provisions of this Act or any rules made thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to one thousand rupees or with both and in the case of continuing contravention with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

Penalty for contravention of the provisions of the Act or rules for which no specific punishment is provided.

\* \* \* \*

## BILL NO. 127 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title  
and  
commencement.

**1.** (1) This Act may be called the Constitution (Amendment) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of  
new article  
112A.

**2.** After article 112 of the Constitution, the following article shall be inserted, namely:—

Ceiling on  
sums to be  
incurred on  
freebies by  
the Central  
Government.

“112A. Notwithstanding anything in this Constitution, the sums required to meet expenditure proposed to be incurred on freebies shall not be more than ten per cent. of the total sums required to meet expenditure, other than the expenditure charged upon the Consolidated Fund of India, proposed to be made from the Consolidated Fund of India in respect of any financial year.”

*Explanation.*—In this article, the expression 'freebie' does not include expenditure proposed to be made from the Consolidated Fund of India in respect of subsidies or other monetary concessions to be given to the Scheduled Castes, the Scheduled Tribes, the Socially and Educationally Backward Classes of citizens and the people living below the poverty line or proposed to be made for socio-economic development of people.

3. After article 202 of the Constitution, the following article shall be inserted, namely:—

“202A. Notwithstanding anything in this Constitution, the sums required to meet expenditure proposed to be incurred on freebies shall not be more than ten per cent. of the total sums required to meet expenditure, other than the expenditure charged upon the Consolidated Fund of a State, proposed to be made from the Consolidated Fund of a State in respect of any financial year.”

*Explanation.*—In this article, the expression 'freebie' does not include expenditure proposed to be made from the Consolidated Fund of a State in respect of subsidies or other monetary concessions to be given to the Scheduled Castes, the Scheduled Tribes, the Socially and Educationally Backward Classes of citizens and the people living below the poverty line or proposed to be made for socio-economic development of people.

Insertion of  
new article  
202A.

Ceiling on  
sums to be  
incurred on  
freebies by  
the State  
Government.

## STATEMENT OF OBJECTS AND REASONS

Of late, it has become a practice among political parties to promise a lot of freebies in their election manifestoes and try to fulfil these promises at the cost of overall economic interests of the country. No doubt that the Directive Principles of the State Policy in our Constitution aim to establish a social and economic democracy through a welfare State, but it cannot be done at the cost of common good or to the detriment of economy. A welfare State requires a sound socio-economic development of the nation as a whole for its continued existence.

It is worth to draw attention to the many such schemes involving distribution of freebies like a gift for couple being married, Shadi Mubarak Scheme, Mangal Sutrās, T.V. and provision of Bicycles, etc.

The freebies are avoidable burden on the exchequer and a limit needs to be put to such expenditure. It is indisputable that for the upliftment of the Scheduled Castes, the Scheduled Tribes, the Socially and Educationally Backward Classes of citizens and the people living below the poverty line, monetary concessions like reduced education fee or free education, reduced examination fee, subsidized food, etc. should be made available to them. However, at the same time, giving of Laptops, Mangal Sutrās and Bicycles, etc. to the citizens just to fulfil the promises made during election is not justifiable under the Constitution in the name of welfare measures. It is a wasteful avoidable expenditure. Money spent on freebies is hampering development work because the same money can be utilized on developmental works. It is therefore proposed that during any financial year, such expenditure shall not be more than ten per cent. of the total expenditure of the Central or a State Government.

Hence this Bill.

NEW DELHI;  
*April 7, 2015.*

J.C. DIVAKAR REDDY

## BILL NO. 126 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2015.

Short title  
and  
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 330 of the Constitution,—

Amendment  
of article 330.

(a) in clause (1), after sub-clause (c), the following sub-clause shall be inserted, namely:—

“(d) the Nomadic Tribes.”; and

(b) in clause (2),—

(i) for the words “the Scheduled Castes or the Scheduled Tribes”, the words “the Scheduled Castes or the Scheduled Tribes or the Nomadic Tribes” shall be substituted; and

(ii) for the words “the Scheduled Tribes in the State or Union territory”, the words “the Scheduled Tribes in the State or Union Territory or of the Nomadic Tribes in the State or Union territory” shall be substituted.”.

## STATEMENT OF OBJECTS AND REASONS

At present reservation of seats in the House of the People is available to the persons belonging to the Scheduled Castes and the Scheduled Tribes.

The persons belonging to Nomadic Tribes are living in primitive conditions.

If the provision of reservation of seats in favour of persons belonging to the Nomadic Tribes in the House of the People is made, their problems to a large extent can be addressed effectively.

Therefore, the Bill seeks to amend the Constitution with a view to provide reservation of seats in the House of the People in favour of persons belonging to the Nomadic Tribes.

NEW DELHI;  
*April 7, 2015.*

ANANDRAO ADSUL

*ANNEXURE*

## EXTRACT FROM THE CONSTITUTION OF INDIA

\* \* \* \* \*

330. Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People—(1) Seats shall be reserved in the House of the People for—

(a) the Scheduled Castes;

(b) the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam; and

(c) the Scheduled Tribes in the autonomous districts of Assam.

(2) The number of seats reserved in any State or Union Territory for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union Territory in the House of the People as the population of the Scheduled Castes in the State or Union Territory or of the Scheduled Tribes in the State or Union Territory or part of the State of the State or Union Territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the State or Union Territory.

\* \* \* \* \*

## BILL NO. 123 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2015.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of article 25.

2. In article 25 of the Constitution, after clause (1), the following proviso shall be inserted, namely:—

"Provided that no person, group, organisation or institution shall induce, coerce or threaten any other person or group of persons to abandon his religion and profess another religion."

## STATEMENT OF OBJECTS AND REASONS

There have been many instances when certain individuals or groups of individuals allure, coerce, threaten or make false promises to other persons for converting into other religion. They generally allure poor people and make false promises of job, education and other benefits so that they can be motivated to convert to other faith. Our Constitution guarantees religious freedom. This freedom includes that no other person can be compelled to abandon his religion and to accept other religion.

The Bill seeks to amend the Constitution with a view to enable the State to check the incidences of conversion to another religion by way of inducement, coercion, threat or allurement.

NEW DELHI;  
*April 7, 2015.*

CHANDRAKANT KHAIRE

*ANNEXURE*

## EXTRACT FROM THE CONSTITUTION OF INDIA

	*	*	*	*
Freedom of conscience and free profession, practice and propagation of religion.	<b>25. (1)</b> Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.			
	*	*	*	*

## BILL NO. 144 OF 2015

*A Bill to provide for establishment of a Technology Bank to assist professionals engaged in research work in various disciplines.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Technology Bank of India Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commencement.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "Bank" means the Technology Bank of India constituted under section 3;

(b) "prescribed" means prescribed by rules made under this Act; and

(c) "professional" means a researcher or a scientist engaged in research work in space, engineering, energy, medicine including all systems of Indian medicine, agriculture, chemicals, defence, environment, food processing, non-conventional energy sources, petroleum and allied products, science and technology including biotechnology, electronics, ocean development, shipping and roadways or aeronautics.

Establishment  
of  
Technology  
Bank of  
India.

**3.** (1) The Central Government shall establish a Bank to be known as the Technology Bank of India with its headquarters at New Delhi.

(2) The Central Government shall establish a branch of the Bank in every State Union territory.

(3) The Bank shall consist of a Chairperson and four members to be appointed by the Central Government in such manner as may be prescribed.

(4) Every branch of the bank shall consist of a General Manager and such other officers and staff as may be required.

(5) The terms and conditions of service and appointment, salaries and allowances of Chairperson, members and employees of the bank shall be such as may be prescribed.

Object of the  
Bank.

**4.** The main object of the Bank shall be to financially assist the professionals in their research work.

Application  
for loan.

**5.** (1) Every professional intending to avail of financial assistance from the bank shall apply to the concerned branch of the Bank.

(2) While applying for loan, the professional shall furnish all details about of research, experience, infrastructure available with him and required amount of loan and the period for which it is required.

Branch to  
forward  
application to  
head office.

**6.** The concerned branch shall forward the application to the Head Office with its recommendations within a period of fifteen days from the date of receipt of the application.

Head Office  
to decide on  
sanction of  
loan.

**7.** (1) The Head Office shall consider the application taking into account the recommendations of the concerned branch and arrive at a decision within a period of fifteen days from the date of receipt of such application.

(2) The Head Office shall have the power either to increase or decrease the amount of loan applied for or the period for which it is sought and its decision thereon shall be final.

Loan.

**8.** (1) Upon the decision of the Head Office to sanction the loan, the loan amount shall be given to the professional at once.

(2) The loan amount so sanctioned shall be interest free.

(3) The loan amount shall be repayable within such period as may be determined in the terms and conditions governing the loan.

(4) The loan shall be repayable by the professional after his research work has been completed or after a period of five years from the date of sanction of loan, whichever is earlier or after he has been gainfully engaged or commercial exploited his invention with the permission of Central Government.

Professional  
to inform  
Government  
about his  
research.

**9.** Every professional who has been sanctioned a loan by the Bank shall, upon completion of his research work inform the Central Government or the State Government, as the case may be and the bank about his research work.

**10.** (1) Every professional who applied for loan shall give an undertaking that he shall not leave the country during the period of his research:

Professional not to leave the country during research.

Provided that the Central Government may, in special circumstances to be recorded in writing, allow a professional to go abroad to acquaint himself with the new techniques which will promote or help in his research work.

(2) No professional who has been sanctioned a loan by the Bank shall leave the country until he had submitted his research work to the Central Government and repaid the loan.

**11.** The Central Government may, after considering the research work submitted by a professional, give suitable award to him and provide him with suitable employment in an office or organization under the Central Government.

Employment to professionals.

**12.** The Central Government shall provide housing and stipend at such rates, as it may determine, to a professional during his research for a period of five years or till he completes his research, whichever is earlier.

Assistance to professionals.

**13.** If any professional violates the provisions of section 10, deportation proceedings shall be proceeded against him at once and he shall be punished with a fine which may extend up to rupees five lakh and shall also be required to repay the loan at once.

Punishment.

**14.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

Due to lack of facilities and financial assistance, our young researchers and scientists are not able to do any research work or engage themselves in any project. They are lured by multinationals and foreign countries and as a result our country is not able to utilise their talent.

Therefore, it is proposed to encourage our researchers and scientists by giving them financial and other assistance to do their research work. It is accordingly proposed that the researchers shall be given interest free loan by the bank for their research work and during that period they will be provided with housing and stipend facilities. However, the researchers will have to submit their papers or projects to the Government after the completion of their work so that the country can fully benefit from their work.

The Bill serves two purposes; on the one hand it helps our researchers to do their work peacefully and on the other it helps us to utilise their talent and benefit from the research work.

Hence this Bill.

NEW DELHI;  
*April 7, 2015.*

CHANDRAKANT KHAIRE

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### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a Technology Bank of India. It further provides for the establishment of offices and branches of the bank in every State capital and Union territory. The bank shall consist of a Chairperson, four persons, members, General Manager and other employees. Clause 4 relates to financial assistance to professionals in their research work. Clause 11 provides that the Central Government shall give award and suitable employment to those who have completed their research work. Clause 12 provides for housing and stipend to researchers for a period of five years.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of rupees ten thousand crore.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 142 OF 2015

*A Bill further to amend the Indian Penal Code, 1860.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Indian Penal Code (Amendment) Act, 2015.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

45 of 1860.

**2.** In the Indian Penal Code, 1860, in section 304B, in sub-section (1), the words “within seven years of her marriage” shall be omitted.

Amendment  
of section  
304B.

## STATEMENT OF OBJECTS AND REASONS

Section 304B (1) of the Indian Penal Code provides that where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death.

There is a need to widen the scope of section 304B for the purpose of providing justice to women who are actually victimized for demand of dowry by husband or relatives. It is necessary that the limit of seven years of marriage as provided in section 304B be removed. The arbitrary limit of seven years allows a family or person who is aware of the existing legal provisions to harass and kill the victim for dowry in the eighth year of marriage or even later.

In such cases, the accused should not be allowed to take the plea that death of woman has not occurred within a period of seven years from the date of marriage.

The Bill, therefore, seeks to amend section 304B of the Indian Penal Code with a view to remove the limit of seven years from the date of marriage in case of death of a woman owing to demand for dowry by husband or his relatives.

Hence this Bill.

NEW DELHI;  
March 11, 2015.

RABINDRA KUMAR JENA

*ANNEXURE*

EXTRACT FROM THE INDIAN PENAL CODE, 1860

(45 OF 1860)

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304B (1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death.

Dowry death.

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## BILL NO. 125 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Constitution (Amendment) Act, 2015.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of article 16.

**2.** In article 16 of the Constitution, after clause (4B), the following clauses shall be inserted, namely:—

“(4C) Notwithstanding anything in this article, there shall be reserved seats in educational institutions and in services under the State for persons belonging to the Scheduled Castes and the Scheduled Tribes.

(4D) The number of seats reserved in educational institutions under clause (4C) shall bear, as nearly as may be, the same proportion to the total number of seats, as the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, bears to the total population of the Scheduled Castes or the Scheduled Tribes.

(4E) The number of seats reserved in services under clause (4C) shall bear, as nearly as may be, the same proportion to the total number of seats, as the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, bears to the total population of the Scheduled Castes or the Scheduled Tribes in the country, in case of services under the Central Government, and in the State, in case of services under the State Government.”.

## STATEMENT OF OBJECTS AND REASONS

Despite reservation, the condition of the Scheduled Castes and the Scheduled Tribes has not improved much. Moreover, the percentage of reservation which was determined long ago has not been revised upwardly, though their population has increased manifold. Therefore, it is proposed to amend the Constitution with a view to increase the percentage of reservation of the Scheduled Castes and the Scheduled Tribes in proportion of their population.

NEW DELHI;  
*March 11, 2015.*

ANANDRAO ADSUL

*ANNEXURE*

## EXTRACT FROM THE CONSTITUTION OF INDIA

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**16. (1)** There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

Equality of  
opportunity  
in matters of  
public  
employment.

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(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.

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## BILL NO. 146 OF 2015

*A Bill further to amend the Indian Penal Code, 1860.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Indian Penal Code (Amendment) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different States.

Amendment  
of section  
370A.

**2.** In the Indian Penal Code, 1860, in section 370A,—

45 of 1860.

(i) in sub-section (1), after the words “engages such minor for sexual exploitation in any manner”, the words “or employs such minor in any form of forced labour or service” shall be inserted; and

(ii) in sub-section (2), after the words “engages such person for sexual exploitation in any manner”, the words “or employs such person in any form of forced labour or service” shall be inserted.

## STATEMENT OF OBJECTS AND REASONS

Section 370A of the Indian Penal Code, 1860 which was inserted by the Criminal Law (Amendment) Act, 2013 provides—

(1) Whoever, knowingly or having reason to believe that a minor has been trafficked, engages such minor for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to seven years, and shall also be liable to fine.

(2) Whoever, knowingly by or having reason to believe that a person has been trafficked, engages such person for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than three years, but which may extend to five years, and shall also be liable to fine.

The Criminal Law (Amendment) Act, 2013 had replaced the erstwhile section 370 of the Indian Penal Code, 1860 with new provision, which now criminalises anyone who recruits, transports, harbours, transfers or receives a person by using certain means including threats, force, coercion, fraud, deception, abduction, abuse of power, or inducement for purpose of exploitation. Exploitation includes any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude or forced removal of organs.

However, given that the legislation came in as a follow-up to the Justice Verma Committee Report it primarily focused on sexual exploitation of victims of trafficking. Thus, section 370A of the Indian Penal Code, 1860 as it currently stands, does not cover the exploitation of trafficked persons, children or adults, in other sectors of labour, such as agriculture, domestic work, beggary rackets or in the construction industry, where rampant exploitation of trafficked persons still exists.

The Bill, therefore, seeks to amend section 370A of the Indian Penal Code, 1860 in order to punish a person who employs any minor or a person in any form of forced labour or service with the same punishment as is provided for an act of sexual exploitation of a minor or a person who has been a victim of trafficking.

Hence this Bill.

NEW DELHI;  
April 8, 2015.

RABINDRA KUMAR JENA

## ANNEXURE

EXTRACT FROM THE INDIAN PENAL CODE, 1860

(45 OF 1860)

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Exploitation  
of a trafficked  
person.

370A. (1) Whoever, knowingly or having reason to believe that a minor has been trafficked, engages such minor for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to seven years, and shall also be liable to fine.

(2) Whoever, knowingly by or having reason to believe that a person has been trafficked, engages such person for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than three years, but which may extend to five years, and shall also be liable to fine.

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ANOOP MISHRA  
*Secretary General*